



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

April 9, 1996

Mr. Scott A. Durfee
General Counsel
Office of the District Attorney
Harris County, Texas
201 Fannin, Suite 200
Houston, Texas 77002-1901

OR96-0513

Dear Mr. Durfee:

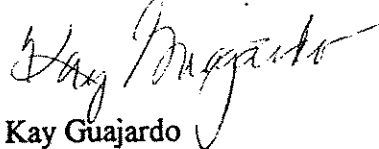
You ask whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 39483.

The District Attorney of Harris County, Texas (the "district attorney"), received a request "to know the status and results of an investigation involving Ms. Roberta Bilsky and absentee mail-ballot voting." You ask whether the district attorney is a governmental body subject to the Open Records Act. In the alternative, you ask whether the requested information is excepted from required public disclosure based on sections 552.101, 552.103, 552.107 and 552.108 of the Government Code.

The Texas Supreme Court in *Holmes v. Morales*, 906 S.W.2d 570 (Tex. App.-Austin, 1994, writ granted), is currently deliberating the questions you raise in this request. It appears that the outcome of the case will determine the resolution of your questions regarding this request. We believe it would be inappropriate for this office to opine on your request at this time. For these reasons, we are closing the file to this request without answering the specific questions you pose. Consequently, we are returning the documents you submitted for our inspection. You may withhold the

requested information pending the Texas Supreme Court's decision. If you have questions about this ruling, please contact our office.

Yours very truly,



Kay Guajardo
Assistant Attorney General
Open Records Division

KHG/ch

Ref.: ID# 39483

Enclosures: Submitted documents

cc: Mr. Dwayne Bohac
4415 Lorinda
Houston, Texas 77018
(w/o enclosures)